

WILFREDO TITO ROSA
REG. # 03909-015
FCI FAIRTON CAMP
P.O. BOX 420
FAIRTON, NJ 08320

December 15, 2005

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2005 DEC 19 PM 2:17

Hon. Kent A. Jordan
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

Re: USA v. Rosa
Docket No. 97-13-1

Dear Judge:

Please accept this letter as a request for a modification of my remaining sentence. For the reasons specified herein, I request that the court order that the remainder of my sentence be served under home confinement to enable me to adjust to community life and seek employment in order to contribute to supporting my family. As your honor will note from the record in my case, on February 10, 1999 I was sentenced to a term of 12 yrs. My projected release date is August 26, 2007. The basis for my request to modify my confinement is to facilitate my transition home and into the community. Due to my own medical necessity compounded by other serious medical problems affecting my youngest child and my father, I will require more time to adjust than the average inmate.

First, from birth I have been afflicted with a degenerative ocular disease known as Stargardt's maculopathy. Macular degeneration is an incurable form of blindness. It is difficult for me to clearly see objects or persons beyond a distance of five feet. With each day that passes, I can sense the greater deterioration of my limited eyesight. Soon will come the time when I will not be able to see my children's faces. More importantly, however, my disease will eventually preclude me from providing for my family. Because of the limitations associated with my eyesight, it will take me an extraordinarily long time to adjust to life outside of prison; to find employment; and to get around in general. No doubt, it will take me longer to adjust to life in the community than the average healthy inmate. For this reason, I pray the court exercise its discretion in light of this compassionate plea, and grant my request.

In further support of my request, I offer to your honor the other reasons why the court should grant my request. My youngest daughter, Brianna, was born pre-mature. At the tender age of 2 she was diagnosed with Histiocytosis, a rare and frequently fatal blood disease that affects the body's immune system. Its cause is

unknown and its progression is unpredictable. The constant care required to comfort and keep her healthy is becoming a more burdensome task daily to my wife. My daughter requires a lot more attention than an average child her age, and as it is my wife must work two jobs to make ends meet.

In addition to the burden of maintaining a household, my wife is also responsibly caring for my father who is of frail health. Since my imprisonment, my father has suffered two heart attacks, consequently, neither he nor my mother are available to help with Brianna's care. In fact, my wife often has to accompany my father to medical appointments, and such, as he can not get around on his own and requires a translator to communicate with his healthcare providers.

Judge, it is for these reasons that I ask for a modification of my confinement. I am not in any way seeking a commutation of my sentence. I acknowledge that I have approximately fourteen months more to serve before I am eligible for CCC. I merely request that my confinement be changed to home confinement now, enabling me to begin my transition sooner due to my personal circumstances.

Although, I have been incarcerated for approximately nine years, I have maintained an outstanding institutional adjustment. Please see the enclosed Progress Report. Notwithstanding my disability I completed my GED Program. Unlike other inmates who did not suffer any visual impairment, I relied on audio tapes for my lessons. While at Allenwood, I completed the Parenting Training Class, and participated in the low security parenting committee. As part of my drug treatment program, I participated in both alcoholics and narcotics anonymous.

To date I maintain a good rapport with the members of the administration here at Fairton FCI. In fact it is as a result of discussions with members of the administration that I was encouraged to make the present request for modification. It is, therefore with the greatest degree of respect for the law and the institution of our criminal justice system that I request a modification of my confinement for the very personal reasons I have outlined above.

Respectfully submitted,



Wilfredo Tito Rosa

cc: Asst. U.S. Atty.

enc.: Progress Report

BP-S187.058 PROGRESS REPORT CDFRM
JUN 98

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution Name, Address, & Telephone No.
FCI FAIRTON
POST OFFICE BOX 280
FAIRTON, NEW JERSEY 08320
(856) 453-1177, ext 4204

Date

November 11, 2005

Inmate Reviewed

Inmate's Signature 	Date 11-25-05	Staff Signature 
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1. Type of Progress Report

Initial Statutory Interim Pre-Release
 Transfer Triennial Other: _____

2. Inmate's Name ROSA, Wilfredo Tito	3. Register Number 03909-015	4. Age (DOB) 38 (10-31-1967)
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5. Present Management Security / Custody Level
MINIMUM/COM

6. Offense/Violator Offense

21:841A(1)&B(1)B - Conspiracy to Distribute Cocaine.
 21:846 - Conspiracy to Distribute Cocaine
 18:1956(H) - Money Laundering.

7. Sentence:

A term of 144 months, five years Supervised Release and a \$200.00
felony assessment.

8. Sentence Began: 02-10-1999 Date Committed: 03-22-1999	9. Months Served + Jail Credit 81 mos. + 710 days JCT	10. Days GCT/or EGT/SGT 419 days GCT
11. Days FSGT/WSGT/DGCT 0 days DISGCT	12. Projected Release 08-26-2007, via Good Conduct Time Release	13. Last USPC Action N/A

14. Detainers/Pending Charges:
None.15. Co-Defendants:
Please refer to PSI.

For continuation Pages, type on a blank sheet with the Inmate's Name,
Register No., and Date and attach to this form.

Record Copy - Inmate File; copy - U.S. Probation Office; copy - Parole Commission Regional Office
(If applicable); copy - inmate
(This form may be replicated via WP) Replaces BP-S187.058 DTD FEB 94

16. **Institutional Adjustment:** Inmate Rosa arrived at FPC Fairton, New Jersey on May 3, 2004. While at FPC Fairton, inmate Rosa's institutional adjustment has been outstanding. He has maintained a solid rapport with staff and inmates.

- a) **Program Plan:** Inmate Rosa met with his Unit Re-Classification Committee at FPC Fairton, New Jersey. During his subsequent program reviews, he was encouraged to participate in various educational and vocational training programs. He advised that he is expected to maintain a full time work detail, maintain clear conduct and seek correctional counseling on an as needed basis.
- b) **Work Assignments:** While incarcerated at FPC Fairton, inmate Rosa has been assigned to the Camp Orderly/AM work detail where he is receiving outstanding work evaluations from his supervisor. In addition, he volunteers to assist other inmates in maintaining the sanitation of the visiting room on the weekends. Furthermore, inmate Rosa volunteered his services in the community in a massive clean-up at a local fire station. Lastly, he has been asset to this facility for assisting the counselor in maintaining the sanitation at the camp, distributing clothing to the inmate population and mentoring new inmates.
- c) **Educational/Vocational Participation:** Inmate Rosa received his General Educational Diploma while he was designated at LSCI Allenwood, Pennsylvania. Due to his medical status as being legally blind, he had to watch video and listen to audio tapes in order for him to partake in GED. He studied religiously for four months and successfully obtained his GED. He is currently enrolled in the Release Preparation Participation Program. He completed Parenting I, Parenting II, Parenting Program, GED, ACE - Treadmell, LEC Station Bike/Wellness, Child Storytelling, Understanding Fit Assess 1 Hour, Release Preparation Program-USPO, Parenting Workshop and Horticulture.
- d) **Counseling Programs:** Inmate Rosa is currently enrolled in the Mentoring Program. He is afforded the opportunity to participate in other individual and/or group counseling.
- e) **Incident Reports:** Inmate Rosa has incurred the following incident reports during this period of incarceration.

<u>Date</u>	<u>Offense</u>	<u>Disposition</u>
07-03-2001	Possessing Unauthorized Item Code 305	DHO - 13 DIS-GCT, 7 days D/S and 90 days visiting privileges.

02-05-1998	Giving/Accepting Money W/O Authorization - Code 328	UDC - 45 loss of commissary and telephone privileges.
10-08-1997	Using Telephone or Mail W/O Authorization - Code 406	UDC - 45 days loss of telephone privileges.

f) Institutional Movement: Inmate Rosa was initially designated to FCI Schuylkill, Pennsylvania on March 22, 1999, to serve his federal sentence for his instant offense. He was then transferred to LSCI Allenwood, Pennsylvania on January 19, 2000. He was then transferred to FPC Fairton, New Jersey on March 2, 2001. He was then transferred to FCI Elkton, Ohio on August 22, 2001. He was then transferred to FPC Lewisburg, Pennsylvania on October 3, 2002. He was finally transferred to FPC Fairton, New Jersey on May 23, 2004. There has been no further institutional movement to date.

g) Physical and Mental Health: Inmate Rosa is assigned regular duty status with medical restrictions of allergic to wool, no ladders, no upper bunk, lower bunk required, no driving due to medical condition and visual impairment. However, he should be considered to have a limited ability to perform work due to his medical condition.

h) Progress on Financial Responsibility Plan: Inmate Rosa satisfied his financial obligations to the court through participation in the Inmate Financial Responsibility Program. He has no other financial obligations to the court.

17. Release Planning: Per Program Statement 7310.04, Community Corrections Center (CCC) Utilization and Transfer Procedures, Inmate Rosa anticipates in releasing to a Community Corrections Center in order to assist him in re-establishing family ties as well as affording him the opportunity to obtain employment and become a productive member of society. His unit team will make a recommendation 14 months prior to his projected release date. He presents the following release plan:

a) Residence: Myrna Rosa, wife
903 West 34th Street
Apartment A3
Wilmington, Delaware 19802
(302) 750-0720 - Home

b) Employment: Limited ability to work due to his medical status as being legally blind.

c) USPO: Ellen J. Krause
Chief United States Probation Officer
(SENT.) District of Delaware
844 King Street
Federal Building, Lock Box 39
Wilmington, Delaware 19801

Offender is subject to notification under 18 U.S.C. §4042(c)(4)(A), due to the offender's past or current sexual offense:

- Current conviction
- Past conviction
- N/A

Offender is subject to notification under 18 U.S.C. §4042(b), due to the offender's:

- (1) Conviction for a drug trafficking crime;
- (2) Current conviction for a crime of violence, and/or;
- (3) Past conviction for a crime of violence.

d) Release Preparation Program: Inmate Rosa is currently enrolled in this required course.

Prepared by:

J. Bruce, Case Manager

11/11/05

Date Prepared

Reviewed by:

T. A. Jones, Camp Administrator

11/22/05

Date Reviewed

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

v.

WILFREDO TITO ROSA

Docket No. 97-13-1

Defendant, pro se, moves for the appointment of counsel and
in forma pauperis status.

In support thereof, the defendant states:

1. I am unable to retain and pay counsel to advance this matter or to pay any expenses which may be incurred.
2. The defendant is absolutely destitute with no moneys or property of any kind whatsoever.
3. The defendant believes that the court's appointment of counsel would serve to advance the proper administration of justice. Appointment of counsel is likewise warranted in the furtherance of the administration of justice.

Dated: December 15, 2005



Wilfredo Tito Rosa